

Title 27. Transportation.

Subtitle 2. Motor Vehicle Registration and Licensing.

Chapter 19. Motor Vehicle Safety Responsibility Act.

Subchapter 1. General Provisions

27-19-106. Assigned risk plans.

(a)(1) After consultation with the insurance companies authorized to issue automobile liability policies or automobile physical damage policies in this state, the Insurance Commissioner shall approve a reasonable plan, fair to the insurers and equitable to their policyholders, for the apportionment among such companies of applicants for policies of automobile liability or automobile physical damage, who are in good faith entitled to but are unable to procure such policy or policies through ordinary methods.

(2) The commissioner may also include within such plan and require the insurance companies to provide those applicants referred to in this section with policies affording additional coverage for medical benefits up to five hundred dollars (\$500) per occupant and uninsured motorist coverage in amounts as the commissioner may by plan prescribe, so as to afford a comprehensive minimum package of insurance coverage.

(3) When any such plan has been approved, all the insurance companies shall subscribe thereto and participate therein.

(b)(1)(A) Any applicant for such policy, any person insured under any such plan, and any insurance company affected, may appeal to the commissioner from any ruling or decision of the manager or committee designated to operate the plan.

(B) At the conclusion, the plan shall prepare a memorandum of decision and a written transcript of its proceedings and deliberations as to the applicant, insured or insurer.

(C) Upon any subsequent appeal to the commissioner, he shall be furnished the written transcript of the proceedings before the plan and the written memorandum of decision.

(D) The commissioner shall, within thirty (30) days after submission of the transcript and memorandum of decision, render his decision on the appeal, which decision shall be based on the transcript and memorandum of decision submitted.

(E) The commissioner shall promptly notify the plan and the appellant applicant, insured or insurer, in writing of his decision on appeal.

(2)(A) Any order or act of the commissioner under the provisions of this section shall be subject to review by appeal to the Circuit Court of Pulaski County at the instance of any party in interest.

(B) The court shall determine whether the filing of the appeal shall operate as a stay of any order or act of the commissioner, and the court shall summarily hear the matter.

(C) The court may, in disposing of the issue before it, modify, affirm, or reverse the order or act of the commissioner in whole or in part.

(c) In the courts of this state, the plan may sue and be sued in its own name.